

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW JERSEY

ZIA SHAIKH,	)	
	)	
Plaintiff,	)	CASE NO. 3:22-cv-02053-GC-RLS
	)	
v.	)	
	)	
LAURA L. GERMADNIG et al,	)	
	)	<b>PLAINTIFF'S BRIEF IN SUPPORT OF</b>
	)	<b>MOTION FOR <u>CONTEMPT</u></b>
	)	
Defendants	)	
_____	)	

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### Issue Presented

Should this Court find YELP INC (as each term is defined below) to be in civil contempt if, after June 24th, 2022, they have not produced all documents responsive to the subpoenas issued to them, pursuant to the subpoena issued by Plaintiff for identifying information on defendant only known by his alias name “JACK M” to be served the instant federal complaint upon him.

**Controlling or Most Appropriate Authorities**

*Faison v. State Farm Fire and Cas. Co.*, No. 13-cv-15014, 2015 WL 4274882

(E.D. Mich. June 18, 2015)

*Wells Fargo Bank, N.A. v. MPC Investors, LLC*, No. 09-CV-11249, 2010 WL 3488669

(E.D. Mich. Aug. 9, 2010)

**BACKGROUND**

On October 6, 2015, Defendant(s) under their fictitious name "Jack M" maliciously published on an American multinational corporation's published crowd-sourcing website the following matter about plaintiff:

*Well, Zia Shaikh made a great pitch on his ability to SHELTER my income, burying it amongst a series of "trusts" and other financial vehicles.*

*First, I found out that the insurance companies he using are second rate and paying him huge commissions on my 7 figure investments.*

*Also, his "office" which is listed above is a sham, rent a space as needed. Receptionist answers phones for all co's.*

*Next, I learn that my accountant says these are incredibly "shady" type of tax dodges and I should check with the IRS Tax compliance departments.*

*I did just that. And guess what. These are NOT tax compliant, they are actually tax evasion and a crime it seems. I spoke recently to the IRS Criminal Investigation Division in New Jersey, and they were not only interested, but I found out they are already ..in their words.. "knee deep into an investigation of Mr. Shaikh and an associates they called "Chris", whom I believe works for him.*

*I did some more research and found that he is also a deadbeat dad, and Ocean County Family Court records show that he is claiming poverty and not paying his wife child support. That speaks volumes about his integrity in my humble opinion.*

*Based on the above, I have ceased my communications with Mr. Shaikh, and if he has approached you, or you are doing business with him, I STRONGLY advise you contact the Criminal Investigation Division of the IRS in Freehold, NJ or Newark, NJ. to protect yourself or report your contact with him. 732-761-3381 is IRS number.*

Such statements are attached, marked “**Exhibit 1**,” and incorporated by reference.

Plaintiff is not aware of this fictitious person and has never had any personal or business dealings with same. The statements made by this defendant on the public forum hosted by YELP INC are slanderous, libelous, defamatory, causing immeasurable loss of reputation and business opportunities to the Plaintiff. The only party aware of the true identity of “JACK M” is YELP INC.

On May 07,2022 Plaintiff served non-party YELP INC, via it’s counsel of record Nicollette Martz with subpoenas to produce identifying information and related documents. See “**Exhibit 2**” and incorporated by reference.

YELP INC on May 09,2022 via email responded stating:

“Yelp accepts properly served and lawfully issued subpoenas from California state courts, and the Northern District of California, at the following address:

Yelp Inc.  
c/o National Registered Agents, Inc.  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203”

See “**Exhibit 3**” and incorporated by reference.

It is plainly obvious that third party YELP INC will not comply with lawfully ordered subpoena for basic information to allow Plaintiff to serve the instant complaint on this defendant. YELP INC has not produced anything in response to the subpoena. The discovery is being severely impeded.

### **ARGUMENT**

Pursuant to Federal Rule of Civil Procedure 45(g), failure to obey a subpoena or an order related to it, “without adequate excuse,” is conduct punishable by contempt. The party “seeking contempt must demonstrate by clear and convincing evidence that the individual ‘violated a

definite and specific order of the court requiring him to perform or refrain from performing a particular act or acts with knowledge of the court's order." *Faison v. State Farm Fire and Cas. Co.*, No. 13-cv15014, 2015 WL 4274882, at \*2 (E.D. Mich. June 18, 2015) (citing *M&C Corp. v. Erwin Behr GmbH & Co.*, 289 F. App'x 927, 935 (6th Cir. 2008)). The burden then "shifts to the individual charged with contempt to make a categorical and detailed showing that compliance is impossible." *Id.* (citing *U.S. v. Rylander*, 460 U.S. 752, 757 (1983) and *U.S. v. Conces*, 507 F.3d 1028, 1043 (6th Cir. 2007)).

The discovery requested by the subpoena is critical to this litigation and long overdue. Time is of the essence; for the instant complaint filed on April 08, 2022 to be timely served on the defendant only known by his fictitious name "JACK M".

YELP INC and it's Personnel's delay in producing any documents already is prejudicing Plaintiff's ability to conduct the discovery they need to prosecute this case, including by requiring Plaintiff to postpone necessary depositions.

YELP INC and it's Personnel's refusal to provide the most basic identifying information has unfortunately necessitated this motion.

### CONCLUSION

For the reasons outlined above, YELP INC and it's personnel have not complied with the subpoena. They should be found to be in civil contempt if, after 5:00 p.m. on June 24<sup>th</sup> 2022, they have not completed production of all documents ordered to be produced in the subpoena.

Respectfully submitted,

Dated: May 31, 2022

  
\_\_\_\_\_

ZIA SHAIKH – Plaintiff  
200 Village Ctr Dr Unit 7381  
Freehold, NJ 07728  
(732)766-5466      [Zia@MyArpp.com](mailto:Zia@MyArpp.com)

10/8/2017

Shaikh Zia H - CLOSED - 5 Lons Ln, Jackson, NJ - Phone Number - Yelp

Find barber, spa, nail salon

Near nj

Restaurants

Nightlife

Home Services

Write a Review

Events

Talk

**EXHIBIT # 1**

Yelpers report this location has closed. Find a similar spot.

## Shaikh Zia H

★ ★ ★ ★ ★ 1 review Details

Add



### Recommended Reviews for Shaikh Zia H

Edit business info

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. Learn more.

Search within the reviews

Sort byYelp Sort LanguageEnglish (1)

#### Hours

Jack M.  
First to review

#### Browse nearby

Restaurants

Nightlife

Shopping

Show all

Zia S.

Freehold, NJ

0 friends

1 review

With so few reviews, your opinion of Shaikh Zia H could be huge. Start your review today.

Zia S.

Freehold, NJ

0 friends

1 review

Shah Zia H. CLOSED - 5 Dons Ln, Littleton, CO Phone Number - Yelp  
 ★★★★★ 6/15/2017

Zia Shaikh is a self made first generation immigrant. Due to his dedication and commitment in achieving the American dream he has obtained dozens of Investment and Insurance licenses, Tax certifications etc to bring exponential value to his clients and to be the best he can be in the financial services industry.

In 22 years of being in this business, he has built an excellent reputation with the investing public and has won several FIVE STAR advisor awards in NJ.

His firm provides Investment, Tax, Insurance, Estate and Business planning services to Families and Businesses worth \$2 Mil to \$500 Mil.

He can be contacted at his office in Freehold, NJ at 732-363-7228 x 101

\*\*\* "JACK M" has posted a FALSE REVIEW ABOUT ME, I HAVE NEVER MET HIM AND HAVE NEVER DONE BUSINESS IN SOUTH CAROLINE AS MY COMPANY IS NOT LICENSED TO DO BUSINESS THERE.

My divorce finalized in December 2016 and I believe this false and malicious review was posted by a family member of my ex-wife LAURA's best friend KENNETH AND MELISSA REEVES, who reside in South Carolina. I am now in the process of preparing several law suits to have this malicious review removed from this site and seek monetary damages. Upon my winning these damages I intend to post all details on YELP and other publications promptly, so please standby.

You will find that over the past 22 years I have built an A+ reputation for myself and my company and I am held in high regards by various industry experts and organizations including the BBB and the National Ethics Bureau. I will defend my good name at all costs.

Please pray to help people like "Jack M." realize that by maliciously posting reviews against good people like myself is not only bad business but immoral and has grave legal consequences.



Jack M.

Bluffton, SC

0 friends

20 reviews

10/8/2017

Shaikh Zia H - CLOSED - 5 Lons Ln, Jackson, NJ - Phone Number - Yelp



10/6/2015



First to Review

Well, Zia Shaikh made a great pitch on his ability to SHELTER my income, burying it amongst a series of "trusts" and other financial vehicles.

First, I found out that the insurance companies he using are second rate and paying him huge commissions on my 7 figure investments.

Also, his "office" which is listed above is a sham, rent a space as needed. Receptionist answers phones for all co's.

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Investor Relations  
Content Guidelines  
Terms of Service  
Privacy Policy  
Ad Choices

**Discover**

The Local Yelp  
Yelp Blog  
Support  
Yelp Mobile  
Developers  
RSS

**Yelp for Business Owners**

Claim your Business Page  
Advertise on Yelp  
Online Ordering from Eat24  
Yelp Reservations  
Business Success Stories  
Business Support  
Yelp Blog for Business Owners

**Languages**

English ▾

**Countries**

United States ▾

Civil Action No. 3:22-CV-02053-ZNQ-TJB

## PROOF OF SERVICE

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)***

I received this subpoena for (name of individual and title, if any) ZIA SHAIKH

on (date) 05/07/2022

☒ I served the subpoena by delivering a copy to the named person as follows: via email: nmartz@yelp.com

Nicollette Martz Esq for YELP INC

on (date) ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

**I declare under penalty of perjury that this information is true.**

Date: 05/07/2022

## Zin Sheldh

**Server's signature**

Zia Satrikha

Printed name and title

**Zia Shaikh**

200 Village Ctr Dr Unit 7381

**Freehold, NJ 07728**

**Server's address**

**Additional information regarding attempted service, etc.:**

## EXHIBIT # 3

Subject **Message from Yelp HQ: 12023341**  
From Yelp HQ <feedback@yelp.com>  
To zia@myarpp.com <zia@myarpp.com>  
Date 2022-05-09 16:35  
Priority Normal



Hello,

Thank you for writing. Please note that Yelp does not accept service of process via email or other electronic means. Yelp accepts properly served and lawfully issued subpoenas from California state courts, and the Northern District of California, at the following address:

Yelp Inc.  
c/o National Registered Agents, Inc.  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203

Regards,

Beatrice  
Yelp Support  
San Francisco, California

Yelp Official Blog | <https://www.yelpblog.com>  
Yelp Support Center | <http://www.yelp-support.com>  
Yelp for Business Owners | <https://biz.yelp.com>

ref:\_00D6guJNS.\_5004u2g8mUy:ref